

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 428

February 8, 2021

SUMMARY OF BILL: Revises the penalty for aggravated rape of a child if the defendant was a juvenile at the time of the commission of the offense.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Pursuant to Tenn. Code Ann. § 39-13-531(a), aggravated rape of a child is the unlawful sexual penetration of a victim by the defendant or the defendant by victim, if the victim is eight years of age or less.
- Public Chapter 211 of the 111th General Assembly required a defendant found guilty of aggravated rape of a child be sentenced to imprisonment for life without the possibility of parole.
- The proposed legislation specifies that if the defendant was a juvenile at the time of an aggravated rape of a child offense, the sentence is required to be within Range III.
- Pursuant to Tenn. Code Ann. § 40-35-112(c)(1), a Range III sentence for a Class A felony is not less than 40 years nor more than 60 years.
- Based on information provided by the Department of Correction, there have been zero admissions of aggravated rape of a child where the offender was a juvenile at the time of the offense in the past 10 fiscal years.
- Any impact to incarceration resulting from revising the penalty for aggravated rape of a child when the defendant was a juvenile at the commission of the offense is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Bojan Savic, Interim Executive Director

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